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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,501	10/16/2000	Shridhar P. Joshi	47079-00077	3225
30223	7590	11/02/2005	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tata

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/688,501	JOSHI, SHRIDHAR P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alex P. Rada	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 37-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

In response to the amendment filed July 25, 2005 in which the applicant had previously canceled claims 1-21, and 35-36, cancels claims 22-34, submits arguments and claims 37-62 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (US 6,409,602) in view of Paravia et al. (US 6,508,710).

3. Wiltshire et al discloses the following:

Accessing via a remote terminal (client/terminal), a gaming site (310 of figure 3) on a global computer network (column 8, lines 15-34) connected to the remote terminal (client/terminal), selecting a game of chance from a plurality of gaming machine located at a gaming establishment for remote play (figures 4b-9D), the remote terminal being located outside the gaming establishment, placing a wager for playing the selected game and receiving randomly-generated text or graphical outcome data at the remote terminal for the selected game the outcome data being generated by one of the plurality of gaming machines at the gaming establishment and relayed to the gaming site through a gaming server connected to the gaming site,

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in which the examiner interprets the server/host containing the different programs and data of the different chance game to be a functional equivalent to placing a wager for playing the selected game and receiving randomly-generated text or graphical outcome data at the remote terminal for the selected game the outcome data being generated by one of the plurality of gaming machines at the gaming establishment and relayed to the gaming site through a gaming server connected to the gaming site (column 7, lines 7-56 and figures 2-3) as recited in claims 37-38.

Wiltshire et al does expressly disclose the following:

Providing via the remote terminal, personal identification information to the gaming site as recited in claims 37-38.

Paravia et al teaches the following:

Providing via the remote terminal, personal identification information to the gaming site (column 6, lines 49-55 and item 142 of figure 2) as recited in claims 37-38. By having providing personal identification information to the gaming site, one of ordinary skill in the art would provide a verification and permission to game players that are permitted to play.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Wiltshire et al to include personal identification information to the gaming site as taught Paravia et al to provide a verification and permission to game players that are permitted to play.

4. Claims 39-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (US 6,409,602) in view of Walker et al. (US 6,001,016).

5. Wiltshire et al discloses the following:

Establishing a communication link between the remote terminal (client/terminal) and a gaming site (310 of figure 3) on a global computer network (column 8, lines 15-34), the gaming site in communication with a gaming server (server/host), selecting a gaming machine (figures 4B-9D) at the gaming establishment using the remote terminal, making a wager to play the selected gaming machine, receiving outcome data, including game outcome at the remote terminal resulting from a play of the gaming machine (figures 4B-9D), and generating a payout if the game outcome meets predetermined criteria (figure 4B, column 7, lines 7-56, and column 8, lines 15-34) as recited in claim 39.

The game outcome resulting from the server initiating game play on the selected gaming machine (column 8, lines 42-65) as recited in claim 50.

The remote computer having a microprocessor, memory connected to the microprocessor and including instructions for controlling the microprocessor, and the microprocessor being operative with the instructions in the memory to receive information identifying a plurality of local gaming machine located within the gaming establishment from a gaming server, receive a text or graphical outcome resulting from a local play of each of the selected gaming machines and generate payout if the outcome meets predetermined criteria (figures 4B-9D, column 6, line 44 – column 7, line 6, column 7, lines 7-56, and column 8, lines 15-34) as recited in claim 52.

The gaming server having means for receiving information identifying a plurality of gaming machines (figures 4B-9D) each engaged in play within the gaming establishment, means for receiving a text or graphical outcome resulting from a play of the selected gaming machines and means for generating a payout if the outcome

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meets predetermined criteria (figures 4B-9D, column 6, line 44 – column 7, line 6, column 7, lines 7-56, and column 8, lines 15-34) as recited in claim 62.

Wiltshire et al does not expressly disclose the following:

The gaming server collecting outcome data from the gamine machines located inside the gaming establishment as recited in claims 39, 52 and 62.

The outcome data having information identifying the value of the payout and simulate a display of the game outcome at the remote location as recited in claims 40 and 59.

The outcome data to simulate a display of the game outcome on the remote terminal as recited in claim 41.

The selected gaming machine is a slot machine wherein the outcome data includes reel position as recited in claims 42, 48, 53, and 60.

The selected gaming machine is a video poker machine including a display for displaying a poker hand as recited in claims 43 and 58.

The receiving outcome data includes receiving outcome data from a plurality of gaming machine form remote play as recited in claim 44.

The outcome data includes a gaming machine identifier and gaming machine type as recited in claim 45-46 and 55-56.

The outcome data including receiving player preferences as recited in claims 47 and 57.

A player identifier and transmitting the player identifier for identification of the player as recited in claims 49 and 61.

Walker et al teaches the following:

The gaming server collecting outcome data from the gaming machines located inside the gaming establishment (figure 1) as recited in claims 39, 52 and 62.

The outcome data having information identifying the value of the payout and simulate a display of the game outcome at the remote location (column 5, lines 33-37) as recited in claims 40 and 59.

The outcome data to simulate a display of the game outcome on the remote terminal (column 5, lines 33-37) as recited in claim 41.

The selected gaming machine is a slot machine wherein the outcome data includes reel position (column 5, lines 33-37) as recited in claims 42, 48, 53-54, and 60.

The selected gaming machine is a video poker machine including a display for displaying a poker hand (column 5, lines 33-37) as recited in claims 43 and 58.

The receiving outcome data includes receiving outcome data from a plurality of gaming machine form remote play (column 6, lines 45-56) as recited in claim 44.

The outcome data includes a gaming machine identifier and gaming machine type (figure 5 and column 6, lines 31-44) as recited in claim 45-46 and 55-56.

The outcome data including receiving player preferences (column 6, lines 8-30) as recited in claims 47 and 57.

A player identifier and transmitting the player identifier for identification of the player (column 6, lines 8-30) as recited in claims 49 and 61.

The outcome results from the manual game play on the selected gaming machine (summary) as recited in claim 51. By transmitting data from the gaming machine located in the gaming establishment, one of ordinary skill in the art would

provide a system that does not require human intervention and live video transmission of the game being played.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Wiltshire et al to include the gaming server collecting outcome data from the gaming machines located inside the gaming establishment, the outcome data having information identifying the value of the payout and simulate a display of the game outcome at the remote location, the outcome data to simulate a display of the game outcome on the remote terminal, the selected gaming machine is a slot machine wherein the outcome data includes reel position, the selected gaming machine is a video poker machine including a display for displaying a poker hand, the receiving outcome data includes receiving outcome data from a plurality of gaming machine from remote play, the outcome data includes a gaming machine identifier and gaming machine type, the outcome data including receiving player preferences, and a player identifier and transmitting the player identifier for identification of the player as taught by Walker et al to provide a system that does not require human intervention and live video transmission of the game being played.

### ***Response to Arguments***

6. Applicant's arguments filed July 25, 2005 have been fully considered but they are not persuasive.

Applicant contends that the Wiltshire reference lacks a gaming site and the "access website" in figure 3 is merely a software download site for downloading the installation software. Once the



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software is installed, the website 310 contribute nothing else to Wiltshire (i.e., provides no gaming data or information to the client/terminal). The Wilshire reference does not disclose the user of two separate intermediate nodes – a gaming server and a gaming site – between the gaming machines and the remote gaming terminal. The outcome data from the gaming machine passes through two separate intermediate noted before arriving at the gaming terminal.

In response the Wiltshire reference does disclose a gaming site (website) in figure 3, item 310. Wiltshire discloses in col. 8, lines 15-34 that a user accesses a website (gaming site) using a web browser such as Internet Explorer, Netscape Navigator or the like and downloads the program from the website (gaming site). The gaming data or information to the client/terminal is executed from the server/host computer, which updates the state (randomly-generated or graphical outcome data) of the game accordingly (col. 7, lines 7-44 and figure 2).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., two separate intermediate nodes, a real gaming machine) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Wiltshire reference does disclose data passing through two separate intermediate nodes. Figure 1A discloses a first node being the network interface (115), which may access the Internet or a particular website on the Internet and the second node is the server/host (110).

Applicant contends that the host/server computer executing casino game programs is not a functionally equivalent to the gaming machines in a gaming establishment. Any evidence from Wiltshire or any other art recognizes a virtual gaming machine to be functionally equivalent to a gaming machine in a gaming establishment.

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In response to applicant's arguments that the host/server computer executing casino game programs is not a functional equivalent to a gaming machine in a gaming establishment, it is noted that a gaming machine at a gaming establishment is just a computer that runs a program either on the gaming machine or communication to a server like in Walker (6,001,016), Karmarkar (6,508,709), and Paravia (6,508,710) to name a few. Since a physical embodiment of various games have been re-implement into microcomputer-based video gaming stations for the last 20 years (Wiltshire-background), it is obvious to a person of ordinary skill in the art would recognize that gaming machine can be re-implemented into a video gaming system, which is nothing more than a cabinet having a monitor, a program either on the gaming machine or communication to a server, and some means of accepting and dispensing wagers. When a gaming machine calculates the game results on the gaming machine at a gaming site, the functional equivalent to that would be a gaming machine running a program and the calculations are carried out on a sever located at a gaming a site and routed back to the gaming machine at the gaming site. The only difference is the gaming results are calculated on the server and communicated back to the gaming machine instead of calculating the gaming results at the gaming machine itself. If you take the same computer based video gaming machine and place that video game program on a home PC, the only things that have changed are how the program (results and calculations) are being communicated and how wagers are accepted and payouts awarded. Therefore, a host/server computer executing a casino game program is functionally equivalent to a gaming machine in a gaming establishment.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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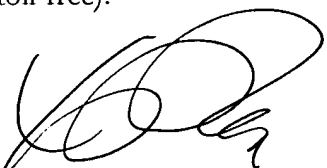
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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XUAN M. THAI  
SUPERVISORY PATENT EXAMINER  
TC3700